

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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BANC OF AMERICA PRACTICE SOLUTIONS,  
INC., as servicer for BANK OF AMERICA,  
successor by merger and acquisition to  
MBNA AMERICA (DELAWARE), N.A.,  
assignee of Sky Bank, and as agent  
for U.S. Bank Trust National Association,

Plaintiff,

-against-

08 Civ. 4198 (DAB)

ORDER TO SHOW CAUSE

ALEJANDRO WILLIAMS, DDS and ALEJANDRO  
WILLIAMS, individually,

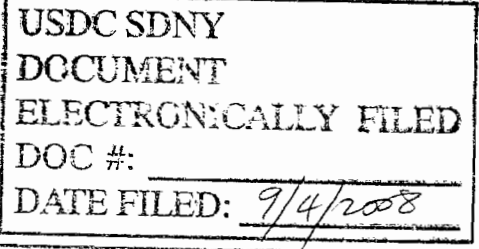
Defendants.

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DEBORAH A. BATTS, United States District Judge.

The Court's records indicate that Defendants Alejandro Williams, DDS, and Alejandro Williams, individually, were served with the Complaint in this matter on May 20, 2008. To date, Defendants have failed to respond to the Complaint. Despite Defendants' default, Plaintiff has failed to prosecute this action.


Accordingly, if Plaintiff fails either TO SHOW CAUSE by affidavit or to move for Default Judgment against Defendant by October 6, 2008, this case shall be dismissed, with prejudice, for failure to prosecute. See Lyell Theatre Corp. v. Loews



Corp., 682 F.2d 37, 42 (2d Cir. 1982) ("[T]he authority of a federal trial court to dismiss a plaintiff's action with prejudice because of his failure to prosecute cannot seriously be doubted." (quoting Link v. Wabash R.R. Co., 370 U.S. 626, 629 (1962))).

SO ORDERED.

Dated: New York, New York  
September 4, 2008

A handwritten signature in black ink, reading "Deborah A. Batts". The signature is written in a cursive, flowing style with a horizontal line underneath the name.

Deborah A. Batts  
United States District Judge